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Paper No. 13

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**SEP 15 2003**

In re Application of  
Marshall et al.  
Application No. 09/942,112  
Filed: August 28, 2001  
Attorney Docket No. 1136.ACT2.NP

**OFFICE OF PETITIONS**

**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed August 15, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply to the Notice to File Missing Parts (Notice) mailed October 2, 2001, which set a shortened statutory period for reply of (2) TWO MONTHS from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on December 3, 2001.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

*Latrice Bond*

Latrice Bond  
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Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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